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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1516 OF 2006

Rabia Mohd. Shafi Mansuri ...Appellant

Vs.

Municipal Corporation of
Greater Mumbai and others ...Respondents

Mr.Anil Singh i/b Mr.D.R.Shah for the Appellant
Mr.J.J.Xavier for the Respondent-B.M.C.

CORAM: A.S.OKA, J.
DATED: AUGUST 1, 2006.

P.C.:

1. Heard learned Counsel for the Appellant. He has tendered an Affidavit of Constituted Attorney of the Appellant on record. Affidavit is taken on record and marked 'X' for identification. In the Affidavit it is stated that the Appellant desires to withdraw the First Appeal unconditionally. It is pointed out that an application for regularisation of the offending structure made by the Architects of the Appellant on 27th May 2006 is pending. In view of the Affidavit following order is passed :

i) Appeal is dismissed as unconditionally withdrawn.

ii) If the application dated 27th May 2006 is pending before the Respondent-Corporation, both the parties will maintain status quo in respect of the disputed structure for a period of twenty weeks from today. The concerned Authority of the first Respondent-Corporation will decide the said Application within a period of eight weeks from today.

ii) If the application dated 27th May 2006 is not pending as of today, the protection will not apply.

iii) If the application dated 27th May 2006 is pending, the decision taken on the said application in terms of this order will be communicated to the Appellant within a period of one week from the date of the order. The communication will also be sent to the Architect appointed by the Appellant.

iv) No order as to costs.

Judge.